



***Environmental
Planning
Commission***

***Agenda Number: 02
Project Number: 1011344
Case Number: 17EPC- 40039
Hearing Date: September 14, 2017***

Staff Report

| | |
|---------------------------------|---------------------------|
| <i>Agent</i> | Edward Andrews, LLC |
| <i>Applicant</i> | Edward Andrews, LLC |
| <i>Request</i> | Zone Map Amendment |
| <i>Legal Description</i> | Lot 013 Brock Addition |
| <i>Location</i> | 223 San Lorenzo Ave NW |
| <i>Size</i> | .18 |
| <i>Existing Zoning</i> | R-1 |
| <i>Proposed Zoning</i> | RG |

Staff Recommendation

***APPROVAL of:
Project # 1011344
Case # 17EPC-40039
based on the Findings included within this
report***

***Staff Planner
Maggie Gould***

Summary of Analysis

This is a request for a zone map amendment from R-1 to R-G to allow the existing two dwelling units to remain on the subject site.

The request is consistent with the applicable goals and policies of the Comprehensive Plan and North Valley Area Plan.

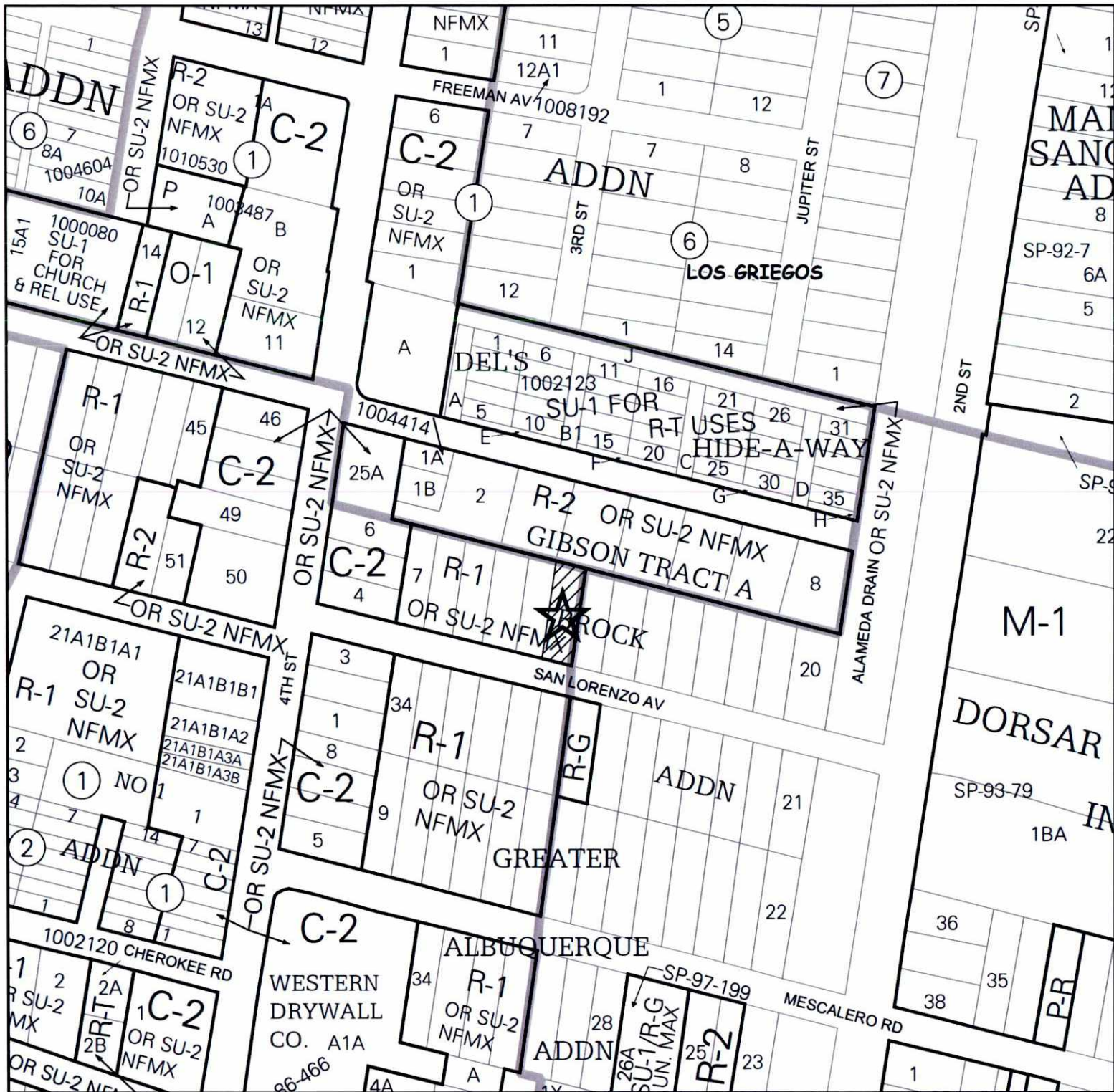
The Greater Gardner Neighborhood Association and the North Valley Coalition were notified of the request. A facilitated meeting was recommended or requested.

Staff has not received any public comment as of this writing.

Staff recommends approval based on the findings in the staff report.

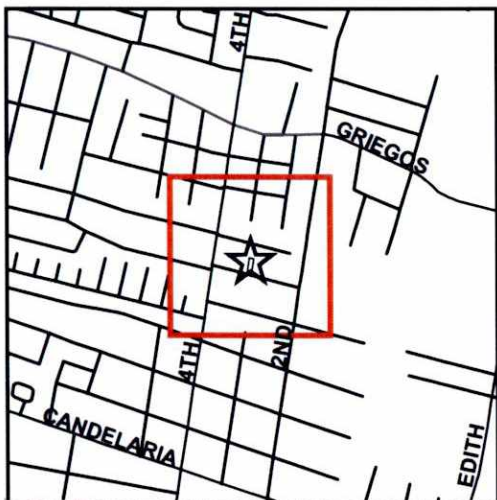
Map





ZONING MAP

Note: Grey shading
indicates County.

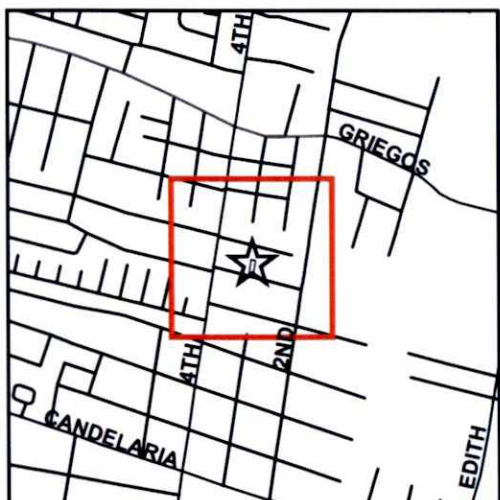


1 inch = 220 feet

Project Number:
1011344

Hearing Date:
09/14/2017

Zone Map Page: G-14
Application Case Numbers:
17EPC-40039



LAND USE MAP

Note: Grey shading
indicates County.

KEY to Land Use Abbreviations

AGRI Agriculture
 COMM Commercial - Retail
 CMSV Commercial - Service
 DRNG Drainage
 MFG Manufacturing
 MULT Multi-Family or Group Home
 PARK Park, Recreation, or Open Space
 PRKG Parking
 PUBF Public Facility
 SF Single Family
 TRAN Transportation Facility
 VAC Vacant Land or Abandoned Buildings
 WH Warehousing & Storage

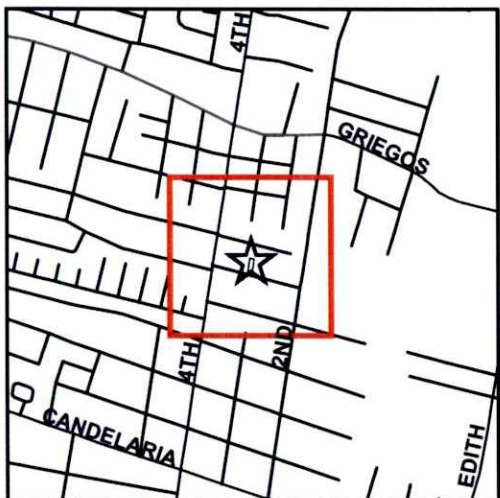


1 inch = 220 feet

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HISTORY MAP

Note: Grey shading
indicates County.



1 inch = 220 feet

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1011344

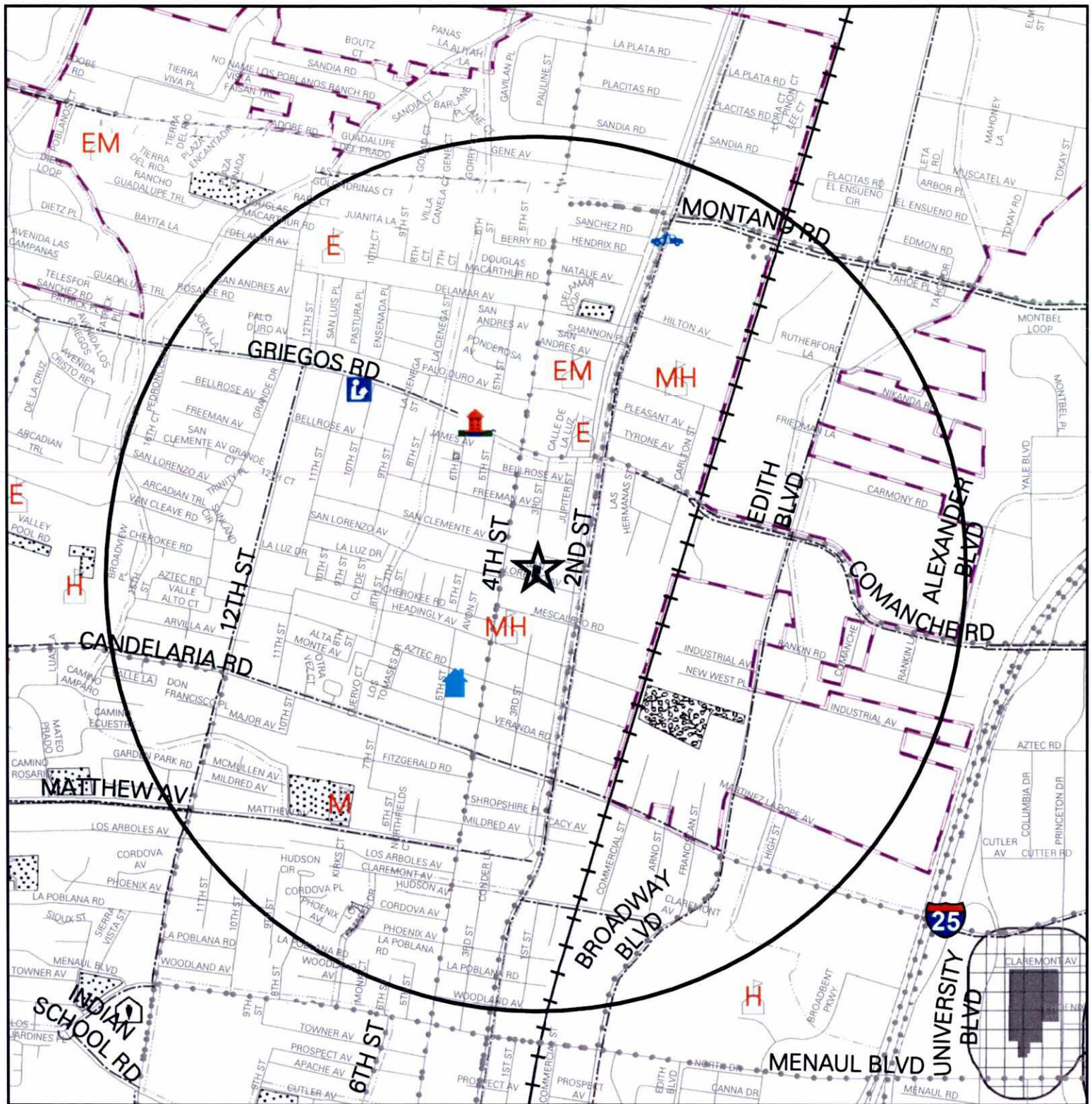
Hearing Date:

09/14/2017

Zone Map Page: G-14

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17EPC-40039



Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| COMMUNITY CENTER | FIRE | Public Schools | Landfill Buffer (1000 feet) |
| MULTI-SERVICE CENTER | POLICE | Proposed Bike Facilities | Landfills designated by EHD |
| SENIOR CENTER | SHERIFF | ABQ Bike Facilities | Developed County Park |
| LIBRARY | SOLID WASTE | ABQ Ride Routes | Undeveloped County Park |
| MUSEUM | | Albuquerque City Limits | Developed City Park |
| | | | Undeveloped City Park |

Project Number: 1011344

0 0.5 1 Miles



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I. INTRODUCTION

A. Surrounding zoning, plan designations, and land uses:

| | <i>Zoning</i> | <i>Comprehensive Plan Area; Applicable Rank II & III Plans</i> | <i>Land Use</i> |
|---------------------|----------------------|---|----------------------------|
| <i>Site</i> | R-1 | Area of Consistency, North Valley Area Plan | Multi family |
| <i>North</i> | R-2 | Area of Change, North Valley Area Plan | Multi-family |
| <i>South</i> | R-G, R-1 | Area of Change, Area of Consistency, North Valley Area Plan | Single Family |
| <i>East</i> | R-1 | Area of Consistency, North Valley Area Plan | Single Family, Multifamily |
| <i>West</i> | R-1, C-2 | Area of Change, Area of Consistency, North Valley Area Plan | Single Family, Commercial |

B. Proposal

The applicant proposes to amend the zoning on the subject site from R-1, Residential Zone to R-G, Residential Garden Zone, to allow the existing two homes on the lot to remain.

C. EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

D. History/Background

Staff found no previous case numbers associated with this site. It is likely that the R-1 zone dates to 1959 with the first zoning code for the city.

Staff looked at aerial photo of the site through the AGIS viewer and found that the two buildings were not visible in the 1959 photos, but were visible in the 1996 photos. No photos for the dates in-between were available.

The property directly to the south of subject site was rezoned from R-1 to R-G in 1994(Z-94-67) to allow a second unit to remain.

E. Context

The subject site is in an area developed with a mixture of single family and multifamily residential use interior to the neighborhood and commercial, warehouse and industrial use along 2nd and 4th streets.

F. Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The LRRS designates 4th street as a Minor Arterial.

The LRRS designates 2nd street as a Principal Arterial.

The LRRS designates San Lorenzo is a local street.

G. Comprehensive Plan Corridor Designation

4th Street is a Major Transit Corridor ; 2nd street is an express corridor

H. Trails/Bikeways

2nd street contains a bike route where cars and bicycles share the street.

I. Transit

Commuter Route 13 uses Comanche from Tramway and Candelaria to 2nd and Griegos thence to Downtown. Route 10 follows 4th Street from Alameda Boulevard to Downtown. Transit service to this site is good and no further service is planned.

J. Public Facilities/Community Services

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS AND POLICIES

A. Albuquerque Comprehensive Zoning Code

The subject site is currently zoned R-1, residential zone. This allows single family residential use, one house per lot and limited home occupation use. Height is limited to 26 feet and setbacks are 20 feet in the front, 15 in the rear and between 5 and 20 feet on the sides depending on site conditions. Without the Zone Map Amendment, the second unit on the site would not be allowed.

The proposed zone R-G, Residential Garden Apartment Zone, allows uses in the R-T, which allows R-1 uses with exceptions, including that houses are not limited to one per lot. Apartments, townhouses and accessory living quarters are also allowed in the R-G zone. Height is limited to 26 feet setbacks are 25 feet in the front, 15 feet in the rear and 5 to 10 feet on the sides depending on site conditions.

The lot is approximately 7,500 square feet; The R-G zone requires 3,600 feet for each house and a minimum lot width of 36 feet.

The site does not appear to meet the minimum 60 foot lot width for apartment development. So, even though the apartment use is allowed under the zone the applicant could not develop apartments on the site without applying for a variance through the Zoning Hearing Examiner.

B. Definitions

Apartment. Structures containing two or more dwelling units each, including dwelling units which do not have a separate entrance leading directly to the outdoors at ground level.

House. A single-family, detached dwelling unit; a building containing only one dwelling unit.

Living Quarters, Accessory. Living quarters within an accessory building having no Kitchen

Townhouse or Town House. One of a group of two to eight attached dwelling units divided from each other by common walls, each having a separate entrance leading directly to the outdoors at ground level, and each having at least one-fourth of its heated and unheated floor area approximately at grade. A townhouse building is one type of an apartment.

C. Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in an area designated Area of Change by the Comprehensive Plan by the Comprehensive Plan. Applicable policies include:

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request furthers Policy 4.1.4. The request will allow the two existing units to remain on the subject site. The use has been in existence for at least 20 years and has been compatible with the existing development. The proposed zoning allows the existing pattern of neighborhood development to remain.

Jobs-Housing Balance - Policy 5.4.1

Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment.

The request furthers Policy 5.4.1 because it will allow the existing two units to remain, providing an additional housing option at a slightly higher density in close proximity to a commercial corridor.

Areas of Consistency - Policy 5.6.3

Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request furthers Policy 5.6.3 because conserve the existing character of the area. the proposed zone will allow the existing two units to remain without allowing significant additional density that may not be compatible with the single family development to the east of the site.

Appropriate Transitions- Policy 5.6.4

Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The request furthers Policy 5.6.4; the area to the west of the site is zoned to allow a mix of commercial and residential uses. The R-G zone can act as a transition between the R-1 , single family zoning to the east and the more intense zoning to the west.

Corridor Types - Policy 6.1.2.5

The subject site is approximately 430 feet from 4th street, a designated major transit corridor, the request allows the slight increase in density to remain to the site.

Infill - Policy 7.3.4

Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request furthers policy 7.3.4 by allowing the two units to remain and providing development that blends into the existing development.

Housing Options - Policy 9.1.1

Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request will further policy 9.1.1 because it will allow an additional housing unit to remain that may provide a more affordable housing option for area residents.

D. North Valley Area Plan (Rank 2)

The North Valley Area Plan was adopted in 1993 and lays out goals and policies to address issues identified by the community through the North Valley Citizens' Advisory Task Force and technical staff and preserve the unique qualities of the North Valley.

Relevant goals/policies include the following:

Goal 2: To preserve and enhance the environmental quality of the North Valley Area by providing a variety of housing opportunities and lifestyles including differing socioeconomic types.

The request furthers Goal 2 because it allows the existing second unit to remain on the lot. This provides an additional housing option for the area. The option of an additional rental unit on the site will provide an affordable option for some residents.

Housing Goal 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs and design flexibility and creativity.

The request furthers Goal 4 because the proposed zone allows the existing second unit to remain on the site; this provides a small amount of additional density that is appropriate for the area because it adds one additional units and does not allow higher density on the site without public review.

E. Resolution 270-1980

Policies for Zone Map Change Applications

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

F. Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- a) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed zone change allows the existing second unit on the site to remain. This has not been injurious to adjacent property owners or to other land in the area. The request is consistent with the goals and policies of the applicable plans.

The proposed zoning is consistent with the health, safety, morals, and general welfare of the city because it is consistent with the goals and policies of the applicable plans. The proposed uses will be compatible with the existing uses in the area and the zoning will allow development that is of a similar mass and intensity.

- b) Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The R-G zoning would maintain the integrity of the neighborhood, it would sustain the stability of the land use and the existing R1 zoning of the surrounding units.

The R-G zone allows the two units to remain on the site without allowing a significant increase in density. The proposed zone will not destabilize the area; there is R-1, R-G and R-2 zoning in close proximity to the site.

- c) A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Refer to policy analysis

- d) The applicant must demonstrate that the existing zoning is inappropriate because:
- (1) There was an error when the existing zone map pattern was created; or
 - (2) Changed neighborhood or community conditions justify the change; or
 - (3) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

Staff's Response (refer to policy analysis for additional information)

The existing zoning is inappropriate because the proposed zoning is more appropriate due to changed conditions and is more advantageous to the community as articulated in the goals and policies of the applicable plans.

The area has changed since the adoption of the original R-1 zoning. The City has adopted the North Fourth Street Sector Plan and amendments to the C-1 and C-2 zone to encourage additional density along transit corridors and in activity centers. The area has a mix of residential types and the lot directly to the south of the subject site was rezoned from R-1 to R-G to allow a second unit to remain on the site.

Additionally, the request is more advantageous to the community as articulated in the goals and policies of the applicable plans because it will allow an additional housing option that is compatible with the existing development.

- e) A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The continuance of the duplex use, as currently operated and/or maintained, has not in the past and is not likely to significantly interfere with the enjoyment of, or be injurious to, other land in the vicinity as a result of it's continuance. Since the property has existed and operated thus far as a multi-family duplex, it's continuance to operate as such would not be harmful to the adjacent properties. As an example, R-G zoning can maintain the multi-family functionality of the lot while preserving the R-1 feel of the area. The uses allowed in R-G zoning are as follows: Single-family dwelling units, group single-family dwelling units, duplex dwelling units, and multi-family dwelling units. There is no policy in R-G zoning that would allow for any changes that could potentially be injurious to the adjacent properties. For instance, by R-G standards, there would not be an allowance for a drastic increase in the number of units on that lot. The reason for this is because R-G zoning only allows an area ratio for apartments of 0.5, or one half square foot of heated floor area for each square foot of land area. Due to this stipulation, the maximum number of units allowed on the property would be only be two units. Since it has existed for so long with the two units, simply changing the zoning so the two units can be in compliance with the City would not be harmful to the San Lorenzo neighborhood.

The permissive uses in the proposed zone will not be harmful to the surrounding property. The area contains a mix of residential uses. The R-G zone will allow the existing two units on the site to remain. The area contains a mix of residential uses. The R-G will allow the existing two units on the site to remain. The applicant could not develop higher density residential on the site without a variance that would require a public hearing. The lot size only allows two detached houses.

- f) A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
- (1) Denied due to lack of capital funds; or
 - (2) Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

We fully understand that the city is not bound to provide capital improvements. We have no intentions for the city to accommodate such amenities and any future development on the site will be developed privately.

The request will not result in any unprogrammed capital expenditures by the city because any future improvements or future development on the site will be privately funded.

- g) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

We fully understand that the cost of land and other economic considerations will not be part of the decision to process the zone change. The reason for this request is

strictly based of the premise that the lot was improperly and or illegally used prior to when we had possession of it and our desire is to amend this.

The request is justified through policy analysis; economics will not be the deciding factor in the request.

- h) Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

We understand that the street which the house is located will not act as justification for apartment zoning. What we are asking the city to consider is the mix of single-family and multifamily units that exist in the area even though it is zoned as R-1

The request is justified through policy analysis. The site is located on a local street that connects two major streets.

- i) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

As stated earlier, this zone change for lot 013, 223 San Lorenzo Ave. NW, will clearly facilitate the realization of the Comprehensive Plan because of the desirability of somewhat increased residential densities for that particular area of North Albuquerque. Since the zoning to the west of the site is zoned NFMX, North Fourth Mixed Use, R-G zoning would act as a transition between the NFMX and the single family development to the east.

The request does create a spot zone , but the zone is justified through the policy analysis and because it can act as transition between the more intense uses allowed on the North Fourth Mixed Use zone site to the west and single family development to west. Additionally, the intent of the prohibition on spot zones is to prevent incompatible land uses from developing adjacent to one another. The proposed uses are compatible with the adjacent uses.

- j) A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 - (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

We are not asking for the city to facilitate a request for strip zoning since our request is not to change zoning for multiple lots on one side of the street, rather the zone change request only applies to the lot located at 223 San Lorenzo Ave. NW.

The request will not create a strip of land with zoning that is different from the surrounding zoning. The request will not create a strip zone.

III. AGENCY & NEIGHBORHOOD CONCERNS

A. Reviewing Agencies/Pre-Hearing Discussion

There are no significant agency comments.

B. Neighborhood/Public

The Greater Gardner Neighborhood and the North Valley Coalition were notified of the request. Staff has not received any public comment as of this writing.

IV. CONCLUSION

This is a request for a zone map amendment from R-1 to R-G to allow the existing two dwelling units to remain on the subject site.

The request is consistent with the applicable goals and policies of the Comprehensive Plan and the North Valley Area Plan.

FINDINGS, Zone Map Amendment

Project # 1011344, Case # 17EPC- 40039

1. This is a request for a Zone Map Amendment (Zone Change) for lot 14 of the Brock Addition located at 223 San Lorenzo Avenue NW and containing approximately .18 acres.
2. The applicant proposes to amend the existing R-1 zone to the R-G zone to allow the two existing dwelling units on the site to remain. The R-1 zone allows one house per lot.
3. Staff found no previous case numbers associated with this site. It is likely that the R-1 zone dates to 1959 with the first zoning code for the city. Staff looked at aerial photo of the site through the AGIS viewer and found that the two buildings were not visible in the 1959 photos, but were visible in the 1996 photos. No photos for the dates in-between were available.
4. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request furthers Policy 4.1.4. The request will allow the two existing units to remain on the subject site. The use has been in existence for at least 20 years and has been compatible with the existing development. The proposed zoning allows the existing pattern of neighborhood development to remain.

Jobs-Housing Balance- Policy 5.4.1

Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment.

The request furthers Policy 5.4.1 because it will allow the existing two units to remain, providing an additional housing option at a slightly higher density in close proximity to a commercial corridor.

Areas of Consistency - Policy 5.6.3

Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request furthers Policy 5.6.3 because conserve the existing character of the area . the proposed zone will allow the existing two units to remain without allowing significant additional density that may not be compatible with the single family development to the east of the site.

Appropriate Transitions - Policy 5.6.4

Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The request furthers Policy 5.6.4; the area to the west of the site is zoned to allow a mix of commercial and residential uses. The R-G zone can act as a transition between the R-1, single family zoning to the east and the more intense zoning to the west.

Corridor Types - Policy 6.1.2.5

The subject site is approximately 430 feet from 4th street, a designated major transit corridor where additional density is appropriate; the request allows the slight increase in density to remain to the site.

Infill - Policy 7.3.4

Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request furthers policy 7.3.4 by allowing the two units to remain and providing development that blends into the existing development.

Housing Options- Policy 9.1.1

Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request will further policy 9.1.1 because it will allow an additional housing unit to remain that may provide a more affordable housing option for area residents.

6. The subject is within the boundaries of the North Valley Area Plan

Relevant goals/policies include the following:

Goal 2: To preserve and enhance the environmental quality of the North **Valley** Area by providing a variety of housing opportunities and lifestyles including differing socioeconomic types.

The request furthers Goal 2 because it allows the existing second unit to remain on the lot. This provides an additional housing option for the area. The option of an additional rental unit on the site will provide an affordable option for some residents.

Housing Goal 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs and design flexibility and creativity.

The request furthers Goal 4 because the proposed zone allows the existing second unit to remain on the site; this provides a small amount of additional density that is appropriate for the area because it adds one additional units and does not allow higher density on the site without public review.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. The proposed zoning is consistent with the health, safety, morals, and general welfare of the city because it is consistent with the goals and policies of the applicable plans. The proposed uses will be compatible with the existing uses in the area and the zoning will allow development that is of a similar mass and intensity.
- B. The R-G zone allows the two units to remain on the site without allowing a significant increase in density. The proposed zone will not destabilize the area; there R-1, R-G and R-2 in close proximity to the site.
- C. Refer to policy analysis in findings 5 and 6
- D. The existing zoning is inappropriate because the proposed zoning is more appropriate due to changed conditions and is more advantageous to the community as articulated in the goals and policies of the applicable plans.

The area has changed since the adoption of the original R-1 zoning. The City has adopted the North Fourth Street Sector Plan and amendments to the C-1 and C-2 zone to encourage additional density along transit corridors and activity centers. The area has a mix of residential types and the lot directly to the south of the subject was rezoned from R-1 to R-G to allow a second unit to remain on the site.

Additionally, the request is more advantageous to the community as articulated in the goals and policies of the applicable plans because it will allow an additional housing option that this compatible with the existing development.

- E. The permissive uses in the proposed zone will not be harmful to the surrounding property. The area contains a mix of residential uses. The R-G zone will allow the existing two units on the site to remain. The applicant could not develop higher density residential on the site without a variance that would require a public hearing. The lot size only allows two detached houses.
- F. The request will not result in any unprogrammed capital expenditures by the city because any future improvements or future development on the site will be privately funded.
- G. The request is justified through policy analysis; economics will not be the deciding factor in the request.
- H. The request does create a spot zone , but the zone is justified through the policy analysis and because it can act as transition between the more intense uses allowed on the North Fourth Mixed Use zone site to the west and single family development to west. Additionally, the intent of the prohibition on spot zones is to prevent

incompatible land uses from developing adjacent to one another. The proposed uses are compatible with the adjacent uses.

- I. The request will not create a strip of land with zoning that is different from the surrounding zoning. The request will not create a strip zone.
8. The Greater Gardner Neighborhood and the North Valley Coalition were notified of the request. Staff has not received any public comment as of this writing.

RECOMMENDATION

APPROVAL/ of 17EPC- 40039, a request for Zone Map Amendment from R-1 to R-G for Lot 13 of the Brock Addition, based on the preceding Findings

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
CURRENT PLANNING SECTION**

ENVIRONMENTAL PLANNING COMMISSION
Project #: 1011344 Case #: 17EPC- 40039
Hearing Date: September 14, 2017

Maggie Gould
Planner



Notice of Decision cc list:

Edward Andrews, LLC 2632 Pennsylvania ST. NE, ABQ, NM 87110

AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No adverse comments.

Office of Neighborhood Coordination

Long Range Planning

The justification should be amended with references to the 2017 Comprehensive Plan, including Chapter 4-Community Identity, Chapter 5 – Land Use and Chapter 9 – Housing.

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

- No objection to the request.

Hydrology Development

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations

NMDOT

Reviewed No Comments

WATER UTILITY AUTHORITY

Utility Services

1. 17EPC-40039 Zone Map Amendment (zone Change)
 - Identification: UPC – 101406044734110908
 - a. Property has been served since 1980.
 - b. No Adverse comment

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No Comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Transit Corridor Site is between the 2nd Street Commuter and 4th Street Multi-modal Corridors

Transit Route Commuter Route 13 and Fixed Route 10

Current Service/ stops Commuter Route 13 uses Comanche from Tramway and Candelaria to 2nd and Griegos thence to Downtown. Route 10 follows 4th Street from Alameda Boulevard to Downtown. Transit service to this site is good and no further service is planned.

Comments/ support/requests/No Comment

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

I have reviewed the September 14 EPC hearing cases and have no comments

ALBUQUERQUE PUBLIC SCHOOLS

APS Case Comments: The request for a zone map amendment from R-1 to RG will impact the area's public schools should residential development occur. Given a maximum generation of 3 dwelling units on 0.1814 acres (20 units per acre density), residential development could generate up to 3 students. This would impact La Luz ES, Garfield MS, and Valley HS. Currently, all area schools have capacity to accommodate residential growth. Note: given 2 dwelling units already exist on the property in question, a generation of 3 students from new residential development is a high estimate.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.



Looking north at the front house

Looking north at along the side of the residence with second unit visible



ZONING

Please refer to the Comprehensive Zoning Code for specific zone descriptions.

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION

- ☐ Major subdivision action
☐ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ☐ for Subdivision
☐ for Building Permit
☐ Administrative Amendment (AA)
☐ Administrative Approval (DRT, URT, etc.)
☐ IP Master Development Plan
☐ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- ☐ Annexation

☒ **V** Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
☐ **P** Adoption of Rank 2 or 3 Plan or similar
☐ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

D Street Name Change (Local & Collector)

L A APPEAL / PROTEST of...

- ☐ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.

Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): _____ PHONE: _____

ADDRESS: _____ FAX: _____

CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: EDWARD ANDREWS, LLC PHONE: (505) 803-2091

ADDRESS: 2632 PENNSYLVANIA ST NE FAX: _____

CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: randy@amcapitalpartners.com

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: WE WOULD LIKE TO CHANGE ZONING FROM R1 TO RG

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 013 Block: _____ Unit: _____

Subdiv/Addn/TBKA: Brock Addition

Existing Zoning: R-1 Proposed zoning: R-G MRGCD Map No. _____

Zone Atlas page(s): G-14 UPC Code: 101406044734110908

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_V_S_, etc.): N/A

CASE INFORMATION:

Within city limits? ☒ Yes

Within 1000FT of a landfill? _____

No. of existing lots: 1

No. of proposed lots: 1

Total site area (acres): 0.1814

LOCATION OF PROPERTY BY STREETS: On or Near: 223 San Lorenzo Ave NW

Between: 2nd St. and 4th St.

Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐ Review Date: _____

SIGNATURE

(Print Name) RANDY BOWEN

DATE 8/2/17

Applicant: ☒ Agent: ☐

FOR OFFICIAL USE ONLY

Revised: 11/2014

- ☐ INTERNAL ROUTING
☐ All checklists are complete
☐ All fees have been collected
☐ All case #s are assigned
☐ AGIS copy has been sent
☐ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee rebate

Application case numbers

17EPC-40039

Action

AZM

CMF

ADV

S.F.

Fees

\$240.00

\$50.00

\$211.62

Total

\$501.62

Hearing date Sept. 14, 2017

8-3-17

Project # 1011344

Staff signature & Date

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: EDWARD ANDREWS, LLC DATE OF REQUEST: 8/2/17 ZONE ATLAS PAGE(S): _____

CURRENT:

ZONING R1

PARCEL SIZE (AC/SQ. FT.) .44 ac

LEGAL DESCRIPTION:

LOT OR TRACT # 013 BLOCK # _____

SUBDIVISION NAME BROCK ADDITION

REQUESTED CITY ACTION(S):

ANNEXATION []

ZONE CHANGE [X]: From R1 To RG

SECTOR, AREA, FAC, COMP PLAN []

AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []

BUILDING PERMIT [] ACCESS PERMIT []

BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [X]

NEW CONSTRUCTION []

EXPANSION OF EXISTING DEVELOPMENT []

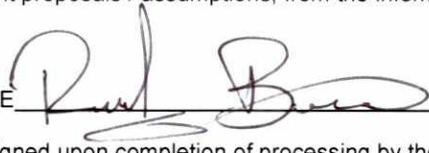
GENERAL DESCRIPTION OF ACTION:

OF UNITS: _____

BUILDING SIZE: _____ (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE



DATE 8/2/17

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [] NO [X] BORDERLINE []

THRESHOLDS MET? YES [] NO [X] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []
Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**


TRAFFIC ENGINEER

8/3/17 ^{RM}
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB**. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / /
-FINALIZED / /

TRAFFIC ENGINEER

DATE



To Whom It May Concern:

EA Properties, LLC authorizes Edward Andrews, LLC to work towards rezoning 223 San Lorenzo NW from R-1 to R-G so as to be in compliance with its historical and current use.

Both EA Properties and Edward Andrews are subsidiary companies of New Mexico Capital Partners, LLC.

I authorize Randy Bowen as an employee of Edward Andrews, LLC to speak on my behalf as an owner and partner of all 3 of the above companies.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Fox", with a long, sweeping horizontal line extending to the right.

Jacob Fox
Partner: New Mexico Capital Partners, LLC
jacob@nmcapitalpartners.com
505-850-8806

TO: Zoning and Planning, per Appendix B Resolution 270-1980

RE: Zone Change Project Number 101134417 EPC 40039

Edward Andrews, LLC requests the approval of the proposed Zone Map Amendment from R-1 to R-G for 223 San Lorenzo Ave. NW. In addition to our application for zone change, we would like to give you some additional information concerning the property by answering the following items from Appendix B Resolution 270-1980.

A. A proposed zone change must be found consistent with the health, safety morals, and general welfare of the city.

The continuance of the duplex use, as currently operated and/or maintained, has not in the past and is not likely to significantly interfere with the enjoyment of, or be injurious to, other land in the vicinity as a result of it's continuance because of the reasons outlined in section C.

B. Stability of land use and zoning is desirable.

Records indicate that property across the street, 220 San Lorenzo Ave. NW, was rezoned on June 3rd, 1994 from R-1 to R-G. The file number on this case is Z-94-67. We believe that our property at 223 San Lorenzo Ave. NW meets the same standards for R-G zoning being that it is more in keeping with the single-family character of the neighborhood. Because R-G zoning would maintain the integrity of the neighborhood, it would sustain the stability of the land use and the existing R1 zoning of the surrounding units.

C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Legally establishing this as a duplex is more advantageous to the community because it serves to provide affordable housing in the area which is consistent with the Comprehensive Plan Goals. The owner has no intention of redeveloping the site, rather, the requested zone change is a means to maintain compliance with City Zoning.

CH. 4 COMMUNITY IDENTITY

CHARACTER - POLICY 4.1.4

Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed zone change is in-line with the Comp Plan Community Identity goals because we are not proposing a redevelopment of the lot. As aerial photos reflect, the San Lorenzo neighborhood is a mix of single-family and multi-family dwellings. The main directive of the Character policy is to respect existing neighborhood values and social, cultural, recreational resources. Our request for the R-G zoning would allow for preservation of this unique mix of single and multi-family units while maintaining compliance with City Zoning ordinances.

CH. 5 LAND USE

CENTERS AND CORRIDORS - POLICY 5.1.1

Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

As stated in sub-points 'F' and 'G' of the Centers and Corridors Policy 5.1.1, a main tenant of this goal is to *"discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors"* and to *"encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership."*

Our zone change request is directly in-line with this policy because San Lorenzo is off of 4th Street which is categorized as an enhanced transit corridor. This would continue to facilitate the desired high residential density that is needed for neighborhoods adjacent to corridors without requiring any redevelopment of the area.

JOBS-HOUSING BALANCE - POLICY 5.4.1

Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment.

As we highlighted in the above statement, San Lorenzo is adjacent to an enhanced transit corridor and is surrounded by a unique blend of Mixed-Use zoning. Our proposed zone change would be advantageous to the Jobs-Housing goals because of the prioritization of higher-density housing where services and infrastructure are available.

AREAS OF CONSISTENCY - POLICY 5.6.3

Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

Our proposed zone change supports the Areas of Consistency policy because we are asking for a zone change that gives an allowance for group single-family dwelling units. This would preserve the R-1 feel of the neighborhood while allowing the legal continuance of the two units on this lot. Since the goal of Policy 5.6.3 is to protect the character of neighborhoods in areas with predominantly single-family residential uses, our request to change from R-1 to R-G zoning is directly in line with the City's support of zone changes that help align the appropriate zone with existing land uses.

APPROPRIATE TRANSITIONS - POLICY 5.6.4

Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

Our zone change request, as highlighted in other areas of this letter, acts as a transition between the North Fourth Mixed Use zoning to the west and the single-family zoning to the east. In regards to making sure this would be an appropriate transition, our request for R-G zoning supports this policy because of the City's desire to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic. Since we are not asking for zoning that would give allowance for more development and construction, a change from R-1 to R-G zoning would not increase the harmful byproducts highlighted above that come as a result of redevelopment.

CH. 6 TRANSPORTATION

CORRIDOR TYPES - POLICY 6.1.2.5

Designated Transit Corridors are characterized by a greater concentration and mix of employment, housing, and services. In 2002, Bernalillo County and the City of Albuquerque adopted a vision for future growth to be focused in designated Centers and along certain Corridors. Since 4th Street falls into the category of Enhanced Transit Corridors, this means that the increase in residential density in the neighborhood of San Lorenzo is to be facilitated and encouraged. Re-zoning the property in question would be advantageous to the City because it would maintain the residential density that exists on San Lorenzo while simultaneously preserving the character of the neighborhood.

CH. 7 URBAN DESIGN

INFILL - POLICY 7.3.4

Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

Our unique request to change the zoning of 223 San Lorenzo Ave. NW so as to facilitate the continuance of the two single-family units on one lot supports the Infill policy because it protects the character of the neighborhood. As we've stated before, since we are not asking to redevelop and change the structures on the lot, our request to change the zoning will allow for the continuance of what has already been in existence while promoting the kind of infill that is highlighted in Policy 7.3.4. To keep the R-1 zoning on this lot would not support the healthy infill the City is looking for in the north west Albuquerque area.

CH. 9 HOUSING

CLUSTER HOUSING - POLICY 9.2.3

Encourage housing developments that cluster residential units in order to provide community gathering spaces and/or open space.

In light of the City's desire to encourage innovative and diverse options for intentional or communal living, our R-G zone request directly correlates with the City's desire to provide options that create higher residential densities while maintaining the feel and look of the area. A main tenant of the in sustainable design is to encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street. Our request for R-G zoning would not allow for more construction on the lot so we would still maintain the character of the surrounding neighborhood which is also in-line with the policies outlined in Chapter 4 "Community Identity".

HOUSING OPTIONS - POLICY 9.1.1

Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured. The continuance of this property existing as a multi-family unit will preserve the

City's housing inventory to determine the amount and distribution of rental and owner-occupied units affordable to lower income groups. Seeing as we are not asking to expand or develop the lot, it is best served to continue it's usage with zoning that would facilitate multi-family units.

NORTH VALLEY AREA PLAN

Goal 2: To preserve and enhance the environmental quality of the North Valley Area by providing a variety of housing opportunities and lifestyles including differing socioeconomic types.

We believe this is achievable because the multi-family character of the lot will maintain the density, and facilitate the cleanup, redevelopment and ultimately preserve the variety of housing in the Near North Valley area sub-section c without creating a conflict between land uses. Furthermore, the proposed R-G zoning is identical to the property across the street on 220 San Lorenzo Ave NW. and is similar to the surrounding multifamily units that exist in that area.

Housing Goal 2: The County and City shall encourage mixed use development and redevelopment which incorporates housing.

Per sub-point "a" of this goal, the City is to "encourage rezoning land in the Edith Boulevard, and Mid-North Valley East subareas for residential and mixed-uses." Our R-G zone request falls directly in-line with this goal because of the dual single-family units on the lot. Changing the zoning to accurately reflect what is already on the site would help in accomplishing the City's goal to incorporate housing in the North Valley area.

Housing Goal 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs and design flexibility and creativity.

In looking further though the North Valley Area Plan goals, we again see that the City is encouraged to facilitate development that would allow for higher housing densities. Our zone change request supports this goal in allowing two single family units to exist on one lot. Per sub-point "c" of this goal, the City is to provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban areas through adoption and promotion of Cluster Housing Principles.

D. The applicant must demonstrate that the existing zoning is inappropriate because:
(2) changed neighborhood or community conditions justify the change.

Community conditions have changed since the original 1959 implementation of R-1 zoning in this area of Albuquerque. Field survey reveals the possibility of at least three other duplexes on the opposite side of the street of the property in question. Because both single family and multi family dwellings already exist in this particular area, the zone change would not be destabilizing to the existing land uses. Another factor that has changed since the original R-1 zoning was established is the North Fourth Mixed Use zoning to the west. This allows for the development of mixed commercial and residential properties. Changing the zoning from R-1 to R-G would allow for our property to act as a transition between the NFMX to the west and the single family development to the east.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The continuance of the duplex use, as currently operated and/or maintained, has not in the past and is not likely to significantly interfere with the enjoyment of, or be injurious to, other land in the vicinity as a result of its continuance. Since the property has existed and operated thus far as a multi-family duplex, its continuance to operate as such would not be harmful to the adjacent properties. As an example, R-G zoning can maintain the multi-family functionality of the lot while preserving the R-1 feel of the area. The uses allowed in R-G zoning are as follows: Single-family dwelling units, group single-family dwelling units, duplex dwelling units, and multi-family dwelling units. There is no policy in R-G zoning that would allow for any changes that could potentially be injurious to the adjacent properties. For instance, by R-G standards, there would not be an allowance for a drastic increase in the number of units on that lot. The reason for this is because R-G zoning only allows an area ratio for apartments of 0.5, or one half square foot of heated floor area for each square foot of land area. Due to this stipulation, the maximum number of units allowed on the property would be only be two units. Since it has existed for so long with the two units, simply changing the zoning so the two units can be in compliance with the City would not be harmful to the San Lorenzo neighborhood.

F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be granted with the implicit understanding that the city is not bound to prove the capital improvements on any special schedule.

We fully understand that the city is not bound to provide capital improvements. We have no intentions for the city to accommodate such amenities and any future development on the site will be developed privately.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

We fully understand that the cost of land and other economic considerations will not be part of the decision to process the zone change. The reason for this request is strictly based on the premise that the lot was improperly and or illegally used prior to when we had possession of it and our desire is to amend this.

H. Location on a collector or major street is not in itself sufficient justification for apartment, office or commercial zoning.

We understand that the street which the house is located will not act as justification for apartment zoning. What we are asking the city to consider is the mix of single-family and multifamily units that exist in the area even though it is zoned as R-1

I. A zone change request which would give a zone a different from surrounding zoning to one small area, especially when only one premise is involved, is generally call a "spot zone."

As stated earlier, this zone change for lot 013, 223 San Lorenzo Ave. NW, will clearly facilitate the realization of the Comprehensive Plan because of the desirability of somewhat increased residential densities for that particular area of North Albuquerque. Since the zoning to the west of the site is zoned NFMX, North Fourth Mixed Use, R-G zoning would act as a transition between the NFMX and the single family development to the east.

J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.”

We are not asking for the city to facilitate a request for strip zoning since our request is not to change zoning for multiple lots on one side of the street, rather the zone change request only applies to the lot located at 223 San Lorenzo Ave. NW.

Thank you for your consideration of this request.

Sincerely,

Randy Bowen

Edward Andrews, LLC

NOTIFICATION & NEIGHBORHOOD INFORMATION

Quevedo, Vicente M.

To: randy@nmcapitalpartners.com
Subject: Neighborhood Notification List - 223 San Lorenzo Ave NW
Attachments: INSTRUCTION SHEET FOR APPLICANTS.pdf

Randy,

Good morning. Please see attached notification list below. Please also review the attached instruction sheet. Thank you.

GREATER GARDNER N.A. (GRG) "R"

***David Wood** e-mail: wood_cpa@msn.com

158 Pleasant NW/87107 221-2626 (c)

Marcia Finical e-mail: marcia_finical@yahoo.com

141 Griegos Rd. NW/87107 550-4560 (c)

Website: <https://sites.google.com/site/ggnaabq/>

Council District: 2

County District: 1

Police Beat: 238/VA

Zone Map #: G-14

NA E-mail: ggnaabq@gmail.com

NORTH VALLEY COALITION

***Peggy Norton**, P.O. Box 70232/87197-0232 345-9567 (h) e-mail: nvcabq@gmail.com

Doyle Kimbrough, 2327 Campbell Rd. NW/87104 249-0938 (h) e-mail: newmexmba@aol.com

Website: www.bit.ly/nvcabqweb **E-mail:** nvcabq@gmail.com

Respectfully,

Vicente M. Quevedo, MCRP

Neighborhood Liaison, Office of Neighborhood Coordination

City of Albuquerque – City Council

(505) 768-3332

cabq.gov/neighborhoods

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

Typical

TO: Zoning and Planning, per Appendix B Resolution 270-1980

RE: Zone Change File #17-104

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505) 768-4712 or (505) 768-4660. **A facilitated meeting request must be received by ADR by August 14, 2017.**

A. A proposed zone change must be found consistent with the health, safety morals, and general welfare of the city.

The continuance of the duplex use, as currently operated and/or maintained, has not in the past and is not likely to significantly interfere with the enjoyment of, or be injurious to, other land in the vicinity as a result of its continuance.

B. Stability of land use and zoning is desirable.

Records indicate that property across the street, 220 San Lorenzo Ave. NW, was rezoned on June 3rd, 1994 from R1 to RG. The file number on this case is Z-94-67. We believe that our property at 223 San Lorenzo Ave. NW meets the same standards for RG zoning being that it is more in keeping with the single-family character of the neighborhood. Because RG zoning would maintain the integrity of the neighborhood, it would sustain the stability of the land use and the existing R1 zoning of the surrounding units.

C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Legally establishing this as a duplex is more advantageous to the community because it serves to provide affordable housing in the area which is consistent with the Comprehensive Plan Goals. On page I-23 of the Comp Plan, verbiage indicates that in 1988, there was a designation of a large contiguous area of Established Urban that spread about 93.5 square miles. In 2001, there was an amendment that reduced this designation in the North Albuquerque area thus causing a decrease in the spread of development and an increase in the density of existing development. In light of this, RG zoning is appropriate for this particular site because of the desirability of somewhat increased residential densities for the particular area in which the subject site is located.

D. The applicant must demonstrate that the existing zoning is inappropriate.

223 San Lorenzo Ave. NW has been used as an apartment duplex prior to 2017 when we purchased it. Each unit has its own gas and electric meters. Therefore, we believe permission was granted for a zone change, but never was recorded when the existing zone map was created. We found verbiage in the above mentioned archived files for 220 San Lorenzo Ave. NW which highlighted that particular property as a precedent for other zone change requests due to the fact that other non-conforming multifamily dwelling units exist in that area. Although the neighborhood is primarily R1 zoned, it seems that this was arbitrarily established in 1959 since other neighborhood properties were and still are a mix of multi-family and single family uses. Field survey reveals the possibility of at least three other duplexes on the opposite side of the street as the property in question. Because both single family and multi family dwellings already exist

in this particular area, the zone change would not be destabilizing to the existing land uses.

- E. *A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.*

The continuance of the duplex use, as currently operated and/or maintained, has not in the past and is not likely to significantly interfere with the enjoyment of, or be injurious to, other land in the vicinity as a result of its continuance. Since the property has existed and operated thus far as a multifamily duplex, its continuance to operate as such would not be harmful to the adjacent properties.

- F. *A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be granted with the implicit understanding that the city is not bound to prove the capital improvements on any special schedule.*

We fully understand that the city is not bound to provide capital improvements. We have no intentions for the city to accommodate such amenities.

- G. *The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.*

We fully understand that the cost of land and other economic considerations will not be part of the decision to process the zone change. The reason for this request is strictly based on the premise that the lot was improperly and or illegally used prior to when we had possession of it and our desire is to amend this.

- H. *Location on a collector or major street is not in itself sufficient justification for apartment, office or commercial zoning.*

We understand that the street which the house is off of will not be justification for office or commercial zoning. We are not asking for commercial zoning.

- I. *A zone change request which would give a zone a different from surrounding zoning to one small area, especially when only one premise is involved, is generally call a "spot zone."*

As stated earlier, this zone change for lot 013, 223 San Lorenzo Ave. NW, will clearly facilitate the realization of the Comprehensive Plan because of the desirability of somewhat increased residential densities for that particular area of North Albuquerque.

- J. *A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning."*

We are not asking for the city to facilitate a request for strip zoning since strip zoning applies only to commercial use.

Thank you for your consideration of this request.

Sincerely,

Randy Bowen
Edward Andrews, LLC

7015 0640 0005 8728 2618

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To PEGGY NORTON

Street and Apt. No., or PO Box No.

P.O. Box 10232

City, State, ZIP+4® ALBUQUERQUE, NM 87197

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7015 0640 0005 8728 2632

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ALBUQUERQUE, NM 87107

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.75

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To MARCIA FINLEY

Street and Apt. No., or PO Box No.

141 GRIEGES RD NW

City, State, ZIP+4® ALBUQUERQUE, NM 87107

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7015 0640 0005 8728 2625

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ALBUQUERQUE, NM 87104

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To DOYLE KIMBROUGH

Street and Apt. No., or PO Box No.

2327 CAMPBELL RD NW

City, State, ZIP+4® ALBUQUERQUE, NM 87104

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To DAVID WOOD

Street and Apt. No., or PO Box No.

158 PLEASANT AVE NW

City, State, ZIP+4® ALBUQUERQUE, NM 87107

PS Form 3800, April 2015 PSN 7530-02-000-9047

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**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Hearing Date: Thursday, Sept. 14, 2017 **1011344**

Zone Atlas Page: G-14

Notification Radius: Neighborhood Associations
100ft plus r.o.w

Cross Reference and Location: 223 San Lorenzo Ave. NW between 2nd St. and 4th St.

Applicant: Edward Andrews, LLC
2632 Pennsylvania St. NE
ABQ, NM 87110

Agent:

Special Instructions:

**Notice must be mailed from the
City 15 days prior to the meeting.**

- ✓ **PLN Generated buffer map & address labels**
- ☐ **Applicant Generated buffer map & address labels**
- ✓ **PLN Certified mail outs**
- ☐ **Applicant Certified mail outs**

Date Mailed: 08/23/17

Signature: 



223 San Lorenzo Ave. NW



Legend

- ☐ Bernalillo County Parcels
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Buffer: 155ft
ROW: San Lorenzo 55ft

0.0 0 0.02 0.0 Miles

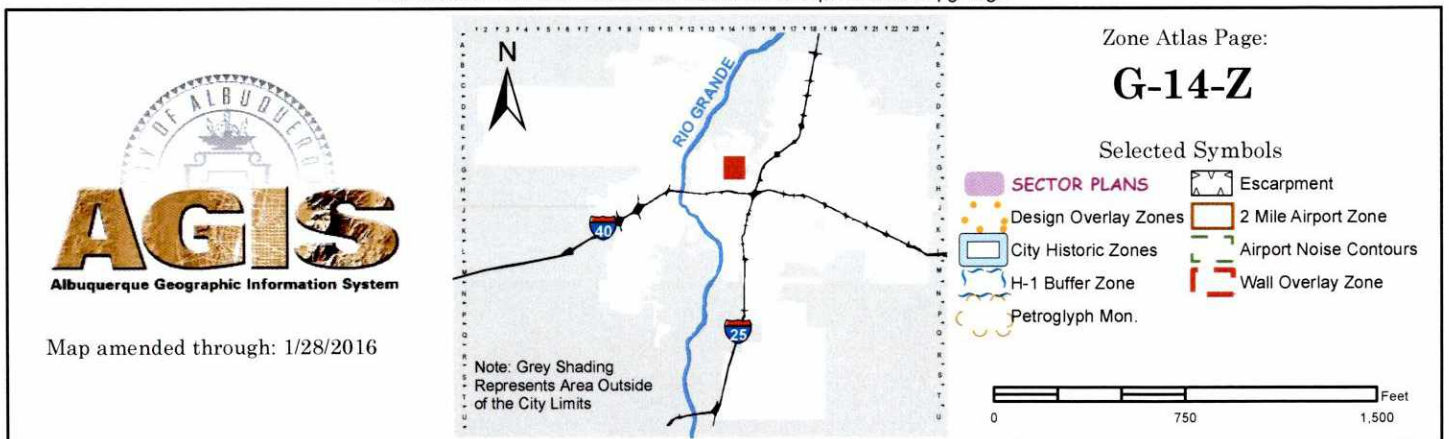
WGS_1984_Web_Mercator_Auxiliary_Sphere
8/2/2017 © City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES



For more current information and details visit: <http://www.cabq.gov/gis>



EA PROPERTIES LLC
P O BOX 1173
TIJERAS NM 87059-1173

LUNA KENNY F & DOROTHY C
313 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331

TRILLO SUSAN T
310 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2332

ANTILLON ERLINDA Z
221 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2329

BACA PHILLIP ETUX
218 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2330

SMID RON D
217 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2329

FUENTES NOEL JEAN
315 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331

HASSAN INVESTMENTS LLC
6804 4TH ST NW 105
LOS RANCHOS NM 87107

JACS LLC
128 MARIPOSA DR
CLOVIS NM 88101

HERRERA ERNEST JR
220 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

NAJERA ISIDRO
215 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

ARAGON RICHARD & YOLANDA
301 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331

ALVAREZ JUAN E & CYNTHIA
214 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

PALLEY BRANT C
306 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

CORDOVA JULIA
212 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2330

SIAS DONALD S & BARBARA C CO-TRUSTEES
SIAS RVT
307 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

CASTILLO ALVIN & BERTHA
PO BOX 93154
ALBUQUERQUE NM 87199

CERNA OLGA
312 SAN LORENZO NW
ALBUQUERQUE NM 87107

223 San Lorenzo Ave. NW

$$18 \times 7.59 = \$136.62$$

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| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage

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P

 CASTILLO ALVIN & BERTHA
PO BOX 93154
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| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage

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 HASSAN INVESTMENTS LLC
6804 4TH ST NW 105
LOS RANCHOS NM 87107
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| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

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 PALLEY BRANT C
306 SAN LORENZO AVE NW
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| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

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 BACA PHILLIP ETUX
218 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2330
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| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

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Total Postage and Fees

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 NAJERA ISIDRO
215 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107
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| <input type="checkbox"/> Return Receipt (hardcopy) | \$ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage

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Total Postage and Fees

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 LUNA KENNY F & DOROTHY C
313 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331
Postmark
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☐ Adult Signature Restricted Delivery \$

Postmark
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Postage

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CERNA OLGA
312 SAN LORENZO NW
ALBUQUERQUE NM 87107

or Instructions

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☐ Adult Signature Restricted Delivery \$

Postmark
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Postage

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Ser
JACS LLC
Str 128 MARIPOSA DR
City CLOVIS NM 88101

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CORDOVA JULIA
Str 212 SAN LORENZO AVE NW
City ALBUQUERQUE NM 87107-2330

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☐ Adult Signature Restricted Delivery \$

Postmark
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Postage

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Se
SMID RON D
Str 217 SAN LORENZO AVE NW
City ALBUQUERQUE NM 87107-2329

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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ARAGON RICHARD & YOLANDA
301 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331

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☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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Sent To
Street and TRILLO SUSAN T
310 SAN LORENZO AVE NW
City, State ALBUQUERQUE NM 87107-2332

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SIAS DONALD S & BARBARA C CO-TRUSTEES
SIAS RVT
307 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

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Sent

Street

City

ALVAREZ JUAN E & CYNTHIA
214 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

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- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
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Postage

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HERRERA ERNEST JR
220 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107

or Instructions

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- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

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Sent

Street

City

FUENTES NOEL JEAN
315 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2331

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- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

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Total Postage and Fees

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Sent To

Street

City, St

ANTILLON ERLINDA Z
221 SAN LORENZO AVE NW
ALBUQUERQUE NM 87107-2329

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- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

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EA PROPERTIES LLC
P O BOX 1173
TIJERAS NM 87059-1173

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